

REMARKS

This application has been carefully reviewed in light of the Office Action dated April 26, 2004. Claims 42 and 44 to 50 are in the application, with Claims 42, 49 and 50 being independent. Claim 43 has been cancelled without prejudice. Claims 42 and 44 have been amended. Claims 46 to 50 have been newly added. Reconsideration and further examination are respectfully requested.

The Office Action indicates that a replacement drawing sheet for Fig. 6 cannot be located in the Patent Office file. Applicants submit that such replacement drawing sheet, in which Fig. 6 was labeled as --PRIOR ART--, accompanied the Letter Transmitting Formal Drawing filed September 17, 2003. Enclosed is a copy of the stamped postcard acknowledging receipt of the replacement drawing sheet in the Patent Office. However, in the interest of expediting prosecution, the replacement sheet for Fig. 6 is being re-submitted herewith.

The specification has been amended to include the patent number of the parent case, as required by the Office Action.

Claim 42 was rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,278,830 (Stirn). Claim 42 was rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,490,573 (Gibbons). Claims 42 and 45 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,433,202 (Maruyama). Claim 42 was rejected under 35 U.S.C. § 102(b) or, in the alternative, under 35 U.S.C. § 103(a) over U.S. Patent No. 3,961,997 (Chu). Claim 42 was rejected under 35 U.S.C. § 102(b) or, in the alternative, under 35 U.S.C. § 103(a) over U.S. Patent No. 4,492,736 (Tanner). Claim 42 was rejected under 35 U.S.C. § 102(b) or,

in the alternative, under 35 U.S.C. § 103(a) over JP 6-163957 (JP '957). Claim 42 was rejected under 35 U.S.C. § 102(b) or, in the alternative, under 35 U.S.C. 103(a) over JP 8-213644 (JP '644). The rejections are respectfully traversed.

Claim 42 has been amended to include the subject matter of Claim 43, which claim was not subject to the Section 102 and Section 102/103 rejections. Accordingly, Claim 42 is believed to be allowable over Stirn, Gibbons, Maruyama, Chu, Tanner, JP '957 and JP '644.

Claim 49 recites, *inter alia*, the acicular crystals comprise CuI or NiO.

Claim 50 recites, *inter alia*, an aspect ratio of the acicular crystals is 10 or more when the aspect ratio is defined as the ratio of the length of the acicular crystals to the diameter of the acicular crystals or as the ratio of the length of the acicular crystals to the length of the shortest line in a transverse cross-section of the acicular crystals passing the gravity center of the acicular crystals.

However, Applicants respectfully submit that none of Stirn, Gibbons, Maruyama, Chu, Tanner, JP '957 and JP '644 discloses or suggests at least the above-discussed claimed features as recited, *inter alia*, in Claims 49 and 50.

Claims 42 to 45 were rejected for obviousness-type double patenting over Claims 1 to 53 of the parent case, U.S. Patent No. 6,649,824 (Den). The rejection is respectfully traversed.

Claims 42, 49 and 50 recite, *inter alia*, the light absorption region is a semiconductor.

However, Applicants respectfully submit that Den's claims do not disclose

or suggest at least the above-described claimed feature as recited, *inter alia*, in Claims 42, 49 and 50. Den's claims are directed to a dye-sensitized photoelectric conversion device (and a method of producing such a device).

Claims 42 to 45 received a provisional rejection for obviousness-type double patenting over Claims 17 and 18 of co-pending Application No. 10/101,462.

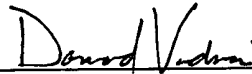
Applicants note that a provisional double-patenting rejection should be withdrawn and the application permitted to issue if the provisional double-patenting rejection is the only rejection remaining in an application. See MPEP § 804(I)(B). Applicants submit that the provisional double-patenting rejection over Application No. 10/101,462 is the only remaining issue in this application and therefore respectfully request withdrawal of the rejection.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from the independent claim discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Damond Vadnais", is written over a horizontal line.

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